

Message Text

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DRAFTED BY AF/S:DKEOGH:RCB

APPROVED BY AF:TWSEELYE

SCA:LFWALENTYNOWICZ

D/HA:JMWILSON

S - RWAHERNE

S/S - MR. BRIDGES

H:KBJENKINS

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FM SECSTATE WASHDC

TO USDEL SECRETARY PRIORITY

S E C R E T STATE 230737 TOSEC 270286

NODIS

FOR THE SECRETARY FROM AF SEELYE

E.O. 11652: GDS

TAGS:PFOR

SUBJECT: ACTION MEMORANDUM: POLITICAL REFUGEE STATUS IN
THE US FOR SOUTH AFRICAN POLITICAL DETAINEES(S/S NO.761927

1. THE PROBLEM

ON SEPTEMBER 11, ON THE EVE OF YOUR DEPARTURE FOR AFRICA,
YOU RECEIVED A LETTER FROM THE REVEREND JESSE JACKSON
ENCLOSING A LIST OF 163 PERSONS DETAINED IN SOUTH AFRICA
FOR POLITICAL REASONS. IN HIS AUGUST 13 MEETING WITH
YOU, JACKSON RAISED THE POSSIBILITY OF SECURING POLITICAL
REFUGEE STATUS FOR SUCH PERSONS IN THE US, AND YOU SAID
YOU WOULD LOOK INTO THE QUESTION.

2. BACKGROUND/ANALYSIS

THERE ARE A NUMBER OF PROBLEMS WITH JACKSON'S PROPOSAL.
FIRST, THE LIST ITSELF IS INACCURATE: SEVERAL PERSONS

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INCLUDED ARE NO LONGER IN DETENTION AND AT LEAST ONE IS

DEAD. SECOND, SUCH A PROPOSAL AT THIS TIME IS BOUND TO PROVOKE SHARP DOMESTIC REACTION ON ALL SIDES, BUT THE BULK OF IT IS LIKELY TO BE OVERWHELMINGLY NEGATIVE. CONGRESSIONAL OPINION IN PARTICULAR IS LIKELY TO BE EXTREMELY AD-

VERSE. THIRD, EVEN IF THE USG AGREED TO SUCH A PROPOSAL

IT MAY BE IMPOSSIBLE TO ADMIT MANY OF THESE PERSONS AS THEY WOULD BE EXCLUDED UNDER VARIOUS PROVISIONS OF THE PRESENT LAW.

3. WE EXPECT THAT AT THE PRESENT TIME THE SAG WOULD PROMPTLY REJECT SUCH A PROPOSAL AS INTERFERENCE IN THEIR NATIONAL AFFAIRS. THIS COULD CREATE EVEN MORE COMPLEX PROBLEMS FOR US. FINALLY, EVEN SHOULD BOTH GOVERNMENTS AGREE, WE HAVE NO IDEA HOW MANY DETAINEES WOULD BE WILLING, ABLE, OR EVEN EVINCE A DESIRE TO EMIGRATE TO THE US.

4. JACKSON'S SUGGESTION MAY OFFER A USEFUL OPPORTUNITY TO DEMONSTRATE TO THE SOUTH AFRICANS, HOWEVER, THE STRENGTH OF DOMESTIC FEELING WHICH IS RISING IN THIS COUNTRY CONCERNING SOUTH AFRICA. YOU MAY WISH TO RAISE IT IN YOUR DISCUSSIONS WITH PRIME MINISTER VORSTER AS AN INDICATION OF THE KIND OF PRESSURE WHICH IS BEING BROUGHT TO BEAR ON THE ADMINISTRATION IN CONNECTION WITH YOUR AFRICAN INITIATIVE.

5. WE SUGGEST THAT YOU TELL JACKSON THAT HIS PROPOSAL IS UNDER STUDY IN THE DEPARTMENT, BUT THAT THERE ARE SOME SERIOUS LEGAL AND PRACTICAL OBSTACLES WHICH MAY DELAY OR PREVENT ITS IMPLEMENTATION. A LETTER TO THAT EFFECT, STRESSING THE ROLE OF THE ATTORNEY GENERAL IN SUCH MATTER FOLLOWS.

6. RECOMMENDATION: THAT YOU AUTHORIZE TRANSMISSION OF THE FOLLOWING LETTER TO JESSE JACKSON, AND THAT YOU RAISE HIS PROPOSAL WITH THE SOUTH AFRICAN GOVERNMENT AS A DEMONSTRATION OF THE KIND OF POLITICAL PRESSURE WHICH IS GROWING IN THE UNITED STATES ON THIS QUESTION.

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7. "DEAR REVEREND JACKSON: I RECEIVED YOUR MESSAGE AND YOUR LIST OF SOUTH AFRICAN PRISONERS DETAINED FOR POLITICAL REASONS ON THE EVE OF MY DEPARTURE FOR AFRICA. I APPRECIATE THE EFFORT YOU MADE TO GET THE LIST TO ME.

8. IN VIEW OF THE IMPORTANT HUMANITARIAN ASPECTS OF THIS CASE, WE WILL PURSUE THIS QUESTION ON AN URGENT BASIS.

IN OUR INITIAL REVIEW OF YOUR SUGGESTION WE HAVE CONSIDER
THREE POSSIBILITIES FOR ADMISSION TO THE US OF THESE
PERSONS:

A. IMMIGRATION UNDER THE NORMAL PROCEDURES ESTABLISHED
IN THE IMMIGRATION AND NATIONALITY ACT (INA).

B. REFUGEE STATUS AS DEFINED IN THE INA.

C. ADMISSION UNDER THE PAROLE PROVISIONS OF THAT ACT.

9. A. WE WOULD BE HAPPY TO FACILITATE THE APPLICATION
OF ANY OF THE PERSONS ON YOUR LIST DESIRING TO TAKE
ADVANTAGE OF IMMIGRATION TO THE US PURSUANT TO THE IMMI-
GRANT VISA PROVISIONS OF THE INA. THEY WOULD BE REQUIRED
TO MEET THE USUAL REQUIREMENTS OF THE LAW, HOWEVER.

B. THE PERSONS ON YOUR LIST COULD NOT BE PROCESSED AS
REFUGEES AS SECTION 203(A) 7 OF THE INA PROVIDES FOR
CONDITIONAL ENTRY RELIEF ONLY FOR THOSE REFUGEES FLEEING
COMMUNIST COUNTRIES IN THE EASTERN HEMISPHERE AND THE
MIDDLE EAST.

C. THE ATTORNEY GENERAL, RATHER THAN THE SECRETARY OF
STATE, IS CHARGED WITH RESPONSIBILITY FOR ADMINISTERING
THE PAROLE PROVISIONS OF THE LAW. THE DEPARTMENT OF
STATE WOULD HAVE TO CONSULT VERY CLOSELY WITH THE DEPART-
MENT OF JUSTICE ON YOUR SUGGESTION, BUT THE ATTORNEY
GENERAL WOULD HAVE A KEY ROLE IN DETERMINING ITS FEASI-
BILITY.

10. WE ALSO WOULD WANT TO STUDY THE LIST OF PERSONS VERY
CAREFULLY, AND I WILL ASK OUR AMBASSADOR IN PRETORIA TO
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REVIEW IT. I KNOW THAT THE LIST WAS MADE AS COMPLETE AS
POSSIBLE IN THE TIME AVAILABLE. A BRIEF REVIEW OF IT
IN THE DEPARTMENT, HOWEVER, SUGGESTS THAT THERE MAY BE
SOME INACCURACIES AND WE WOULD WANT TO CHECK OUR INFORMA-
TION WITH YOU.

11. I BELIEVE THAT WHAT I LEARN IN AFRICA DURING THIS
TRIP, AND THE INFORMATION WHICH WILL BE DEVELOPED IN
WASHINGTON DURING MY ABSENCE, WILL PROVIDE US WITH A
BASIS TO MAKE A DETERMINATION AS TO THE NEXT BEST STEP.
I WILL BE IN TOUCH WITH YOU CONCERNING THAT ON MY RETURN.
BEST REGARDS, HENRY A. KISSINGER."

12. APPROVE.

3. DISAPPROVE.

DRAFTED: AF/S:DKEOGH CLEARANCE: SCA:LFWALENTYNOWICZ,
D/HA:JMWILSON,S:RAHERNE ROBINSON

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